



**UNITED STATES DEPARTMENT OF COMMERCE
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SERIAL NUMBER	FILING DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NO.
06/304,481	09/22/81	KOBREHEL	G BA-157

POLLOCK, VANDE SANDE & PRIDDY
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WASHINGTON, DC 20036

EXAMINER	
CHAN, N	
ART UNIT	PAPER NUMBER
123	13

DATE MAILED:

03/06/84

Below is a communication from the EXAMINER in charge of this application.

COMMISSIONER OF PATENTS, AND TRADEMARKS

ADVISORY ACTION

☒ THE PERIOD FOR RESPONSE IS ~~3~~ TO RUN 3 MONTHS FROM THE DATE OF THE FINAL REJECTION.
855 O.G. 1109.

☐ Appellant's Brief is due in accordance with Rule 192 (a).

Applicant's response to the final rejection, filed 2-17-84, has been considered with the following effect, but it is not deemed to place the application in condition for allowance:

1. ☐ The proposed amendments to the claim and/or specification will not be entered and the final rejection stands because:
 - a. ☐ There is no convincing showing under Rule 116(b).
 - b. ☐ They raise new issues that would require further consideration and/or search.
 - c. ☐ They raise the issue of new matter.
 - d. ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal.
 - e. ☐ They present additional claims without cancelling a corresponding number of finally rejected claims.
2. ☐ Newly proposed or amended claims _____ would be allowed if submitted in a separately filed amendment cancelling the non-allowable claims.
3. ☒ Upon the filing of an appeal, the proposed amendment ☒ will be ☐ will not be, entered and the status of the claims in this application would be as follows:
 - a. ☒ Claim 2 would be allowable.
 - b. ☒ Claims 3-11 & 23 would not be allowable.

However:

- (1) ☐ The rejection of claims _____ on references is deemed to be overcome by applicant's response.
- (2) ☒ The rejection of claims 23 on non-reference grounds only is deemed to be overcome by applicant's response.

4. ☐ The affidavit, exhibit or request for reconsideration has been entered but does not overcome the rejection.
5. ☐ The affidavit or exhibit will not be admitted because applicant has not shown good and sufficient reasons why it was not earlier presented.
6. ☐ The application having been examined under the special accelerated examining procedure (M.P.E.P. 708.02), the proposed amendment has not been considered since it does not prima facie place the application in condition for allowance or in better condition for appeal.
7. ☒ The declaration fails to obviate the rejection of claims 3-11 and 23, because the comparison is incommensurate with the scope of the claimed invention. Page 5 of the specification discloses that the tris-alkanoate of Example 4 cannot compare favorably with the prior art compounds.

didn't comment about this - like being

Nicky Chan

NICKY CHAN
PRIMARY EXAMINER
ART UNIT 123